

FILED



UNITED STATES DISTRICT COURT
DISTRICT OF WYOMING

UNITED STATES OF AMERICA,

Plaintiff,

v.

GUADALUPE HERNANDEZ, JR.,

Defendant.

Margaret Botkins
Clerk of Court

Case No. 19-CR-195-SWS

ORDER CONTINUING SENTENCING HEARING

This matter comes before the Court on the Defendant's Unopposed Motion to Continue Sentencing (Doc. 50). The federal rules require the Court to "impose sentence without unnecessary delay." Fed. R. Crim. P. 32(b)(1). Determining whether to continue a sentencing hearing rests within the Court's sound discretion. *United States v. Jones*, No. CR 14-0769 JB, 2016 WL 335102, at *4 (D.N.M. Jan. 15, 2016) (unpublished).

The rapid spread of the novel coronavirus first detected in China, since designated as COVID-19 (Coronavirus Disease 2019) and classified as a global pandemic by the World Health Organization (WHO), and the resulting outbreak of infections in Wyoming and surrounding areas have negatively impacted the Court's daily operations. Slowing the transmission of COVID-19 in the community is an important part of mitigating the effects of the disease, particularly with respect to the more vulnerable individuals. The Court's top priority is protecting the health and safety of the public, the litigants, and the practicing bar. In line with that goal and after considering the particular facts and

circumstances in this case, the Court finds the request to continue the sentencing hearing is supported by good cause, and a continuance is necessary to protect all involved. Because the Court is unable to currently assemble the parties and participants for this sentencing hearing while also ensuring their health and safety, the Court further finds the ends of justice served by continuing the sentencing hearing outweigh any right¹ of the Defendant and the interests of the public in a speedy sentencing.

Finally, if granted, a continuance is likely to accomplish the purpose underlying the request, and any inconvenience to the opposing party, witnesses, and the Court resulting from the continuance would be minimal. *See United States v. West*, 828 F.2d 1468, 1470 (10th Cir. 1987).

IT IS THEREFORE ORDERED that the Defendant's Unopposed Motion to Continue Sentencing (Doc. 50) is **GRANTED**. The sentencing hearing currently set for April 14 2020, is hereby **VACATED** and shall be reset as soon as COVID-19 does not pose a direct threat to the hearing's participants.

DATED: April 10th, 2020.



Scott W. Skavdahl
United States District Judge

¹ See *Betterman v. Montana*, 136 S. Ct. 1609, 1617 (2016) (noting that "due process serves as a backstop against exorbitant delay," including sentencing delay).